

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO,

Debtor.¹

PROMESA

Title III

No. 17 BK 3283-LTS
(Jointly Administered)

**INFORMATIVE MOTION OF AMBAC ASSURANCE CORPORATION,
ASSURED GUARANTY CORP., ASSURED GUARANTY MUNICIPAL CORP.,
FINANCIAL GUARANTY INSURANCE COMPANY, THE BANK OF NEW YORK,
AND U.S. BANK TRUST NATIONAL ASSOCIATION REGARDING HEARING
EXHIBITS AND RELATED FILINGS FOR THE PRIFA AND CCDA
LIFT STAY MOTIONS**

¹ The Debtors in these Title III Cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (the "Commonwealth") (Bankruptcy Case No. 17-BK-3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17-BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17-BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority ("PBA") (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

Ambac Assurance Corporation (“Ambac”), Assured Guaranty Corp. and Assured Guaranty Municipal Corporation (together, “Assured”), Financial Guaranty Insurance Company (“FGIC”), and The Bank of New York Mellon (“BNYM”) (together, the “CCDA Movants”), and U.S. Bank Trust National Association (with Ambac, Assured, and FGIC, the “PRIFA Movants”),² by and through their undersigned attorneys, respectfully submit this informative motion (the “Motion”) regarding the record in connection with the PRIFA and CCDA Lift Stay Motions and the June 4 preliminary hearing thereon. Movants respectfully state as follows:

1. ***PRIFA Supplemental Exhibits for Preliminary Hearing.*** In advance of the June 4 preliminary hearing, the PRIFA Movants submit the supplemental exhibits, numbered 52-81, listed in *Movants’ Supplemental PRIFA Exhibit List for the June 4, 2020 Revenue Bond Lift Stay Preliminary Hearing*, attached hereto as **Exhibit A**. These exhibits are true and correct copies of certain documents referenced in the *Declaration of William W. Holder in Support of the Reply of Ambac Assurance Corporation, Financial Guaranty Insurance Company, Assured Guaranty Corp., Assured Guaranty Municipal Corp., and U.S. Bank Trust National Association, in Support of Their Amended Motion Concerning Application of the Automatic Stay to the Revenues Securing PRIFA Rum Tax Bonds* (ECF No. 13003) and the *Expert Report of William W. Holder* (ECF No. 13003-1) that have not otherwise been filed with the Court. These exhibits are submitted to provide the Court with a complete record for the preliminary hearing.

2. ***Refiling of PRIFA and CCDA Lift Stay Replies and Associated Documents.*** Further, to ensure public access to the materials subject to consideration at the June preliminary hearing, the PRIFA Movants and the CCDA Movants also will refile on the public

² All capitalized terms not defined herein shall have the meanings ascribed to them in the Movants’ PRIFA Lift Stay Motion (ECF No. 10602), Movants’ PRIFA Reply (ECF No. 12995), and Movants’ PRIFA Response to Sur-Reply (ECF No. 13228).

docket certain documents previously filed under seal in connection with the PRIFA and CCDA Reply briefs.

3. Portions of the PRIFA and CCDA reply papers were originally filed under seal to comply with the *Stipulation and Protective Order* (ECF No. 12912); *see Order Granting Motion to Seal for Limited Duration and for Supplemental Briefing* (ECF No. 13029) ¶ 3. AAFAF has since filed the *Response of the Puerto Rico Fiscal Agency and Financial Advisory Authority to the Court's Order Granting Motion to Seal for Limited Duration and for Supplemental Briefing* (ECF No. 13078) (the "Sealing Response"), which (i) consented to the public filing of certain of the Confidential Filings, (ii) requested that certain of the Confidential Filings remain under seal because the Court had already directed their public filing with certain redactions thereto, and (iii) requested that the Court direct that the remaining Confidential Filings be filed publicly with certain redactions thereto. (Sealing Response ¶¶ 4-6.) Today's refile of the PRIFA and CCDA reply papers is intended to achieve what was proposed by AAFAF in the Sealing Response.

4. For the sake of clarity, the PRIFA Movants and the CCDA Movants note that the materials being filed today are not the discrete set of exhibits and demonstratives that the Court has ordered should be filed on June 2, 2020, by 3 p.m. *See Order Regarding Procedures for June 3-4, 2020 Omnibus Hearing* ¶ 8 (ECF No. 13220). This discrete set of materials for the Court's reference during the preliminary hearing will be filed tomorrow, in accordance with the Court's order.

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Dated: June 1, 2020
San Juan, Puerto Rico

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CERTIFICATE OF SERVICE

I hereby certify that on this same date a true and exact copy of this notice was filed with the Clerk of Court using the CM/ECF system, which will notify a copy to counsel of record.

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